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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,944	06/29/2005	Takao Watanabe	1152-0319PUS1	3801
2292 7590 01/09/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER MARSH, STEVEN M				
ART UNIT 3632		PAPER NUMBER		
NOTIFICATION DATE 01/09/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/540,944

**Applicant(s)**

WATANABE, TAKAO

**Examiner**

STEVEN M. MARSH

**Art Unit**

3632

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 38-68, 80-83 and 90-100 is/are pending in the application.
- 4a) Of the above claim(s) 42, 46, 49, 52, 55, 57, 65, 68 and 100 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 80-83 and 99 is/are allowed.
- 6) ☒ Claim(s) 38-41, 43-45, 47-64, 66, 67 and 90-98 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the second office action for U.S. Application 10/540,944 for a Thin Design Display Apparatus and Display Unit Detachment Method.

### ***Election/Restrictions***

Applicant's election without traverse of Species 3 in the reply filed on October 23, 2008 is acknowledged.

Claims 42, 46, 49, 52, 55, 57, 65, 68, and 100 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 23, 2008.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 39-41, 50, 58-62, 64, and 90-98 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,381,125 to Mizgouchi et al. Mizgouchi discloses a thin design display apparatus (see fig. 1) with a stand/pillar structure (1) that has an insert space. There is a thin type display unit (2) and a fitting part (or stand-cum-joint... 3, 4) on the display unit. The display unit is supported by the stand structure by

inserting the fitting part into the insert space and the display unit includes an integral grip handle (the top portion of display 2 that is curved and recessed) that can be gripped. The fitting part of the display unit can be pulled from the stand structure and there is an anti removal device (34, 35) for preventing removal of the fitting part and a removal prevention releasing device (actuator 35a) for canceling the removal prevention against the fitting part by the anti removal device. The front end of the fitting part with respect to an insertion direction is formed with an elastic member (or cushioning member... 32) that prevents swaying, and the removal prevention releasing device releases removal prevention of the fitting part by a force acting in the same direction (downward) as the fitting part is inserted into the stand. The stand has a first configuration where the display unit is supported by the stand and a second configuration where the joint (4) of the display is pulled out from the stand. The stand structure has a projection (35) and the fitting part has a recess (between 34) so as to guide an insertional direction and removal by a cooperation of the joint and the insert space.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38, 43-45, 51, 53, 54, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi et al. in view of U.S. Patent 7,389,963 to Cho et al. Mizoguchi et al. discloses an indicating means (2a) for informing a user of the pivot angle between the stand and display unit, discloses the cross section of a distal end as an elongate shape longer in a direction of a rotational axis than a direction perpendicular to the axis, but does not disclose a rotatable rotation part attached to the fitting part. Cho et al. discloses a height adjustable thin design display apparatus, with a fixing part (47) received in a stand (41), and a rotational part (20,30) formed between the fixing part and the display for allowing the display to be adjusted to various angles. Thus it would have been obvious to one of ordinary skill in the art to apply a rotational part between the fixing part and display as taught in Cho et al., to improve the display taught by Mizoguchi et al., for the predictable result of enabling the display to rotate to various angles.

Claims 66 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi et al. in view of official notice. Mizoguchi et al. fails to disclose the display unit as having a remote control holder or semicircular speakers on the left and right of the display. However, the Examiner is providing official notice that it is common in the art for flat displays to have those elements and it would be obvious to one of ordinary skill in the art to provide the features on the display taught by Mizoguchi to hold a remote for controlling a display and to provide sound.

Claims 47, 48, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi et al. in view of U.S. Patent 7,389,963 to Cho et al., and in

further view of official notice. Mizoguchi et al. in view of Cho et al. fails to disclose the display unit as having a remote control holder or semicircular speakers on the left and right of the display. However, the Examiner is providing official notice that it is common in the art for flat displays to have those elements and it would be obvious to one of ordinary skill in the art to provide the features on the display taught by Mizoguchi in view of Cho to hold a remote for controlling a display and to provide sound

***Allowable Subject Matter***

Claims 80-83 and 99 are allowed.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6727961 to Yang

US 7150440 to Yuan

US 2007/0108359 to Lee et al.

US 2007/0194182 to Lee

The above patents disclose various display stands.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is

(571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/S. M. M./

Examiner, Art Unit 3632

Steven M. Marsh

January 5, 2009

/Korie H. Chan/

Primary Examiner, Art Unit 3632